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09/997,912	11/30/2001	Anthony J. Dezonno	6065-83802	4715
24628 7590 01/22/2007 WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			EXAMINER WONG, BLANCHE	
			ART UNIT 2616	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/997,912

Applicant(s)

DEZONNO ET AL.

Examiner

Blanche Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Due to amendment inconsistencies, Examiner will examine claim 13 replacing – transaction processing system—in lines 2 and 3 with “automatic call distributor”. See also 112, 2nd rejection for claim 13 below.

Response to Arguments

2. Applicant's arguments with respect to claims 13-17,20,23,26,27 and 30 have been considered but are moot in view of the new ground(s) of rejection.

3. Examiner notes that amendments were made in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

4. Examiner notes that claim language does not recite two of Applicant's arguments, specifically “[Masuhiro] does not teach or disclose an automatic call distributor (ACD) coupled to a telephone terminal or agent station by a plurality of networks” Remark, p. 7, para. 4, nor an “ACD between the agent telephone system and the PSTN” Remark, p.7, para. 5 - p.8, para. 1.

5. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Drawings

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “a plurality of network interfaces disposed within the automatic call distributor” (claim 13) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Objections

7. Claim 13 is objected to because of the following informalities:

With regard to claim 13, in the preamble, it is not analogous to couple a call to a person, such as “to couple an incoming telephone call with an agent of the agent telephone system” in lines 3-4. That is, a caller can be coupled with an agent, or a call can be coupled with the agent telephone system.

Appropriate correction is required.

8. Claim 13 is objected to because of the following informalities:

With regard to claim 13, Examiner suggests replacing –the incoming call – in line 22 with “the incoming telephone call” in consistent with the language in the preamble and in line 21.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. **Claims 13-22,32,33** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 13, it is unclear why some –transaction processing system – in lines 1-2 is replaced with –an automatic call distributor—in line 2, and why some – transaction processing system—in lines 2 and 3 are not being replaced. Similarly – transaction processing system—is not being replaced in claims 21,22,32,33.

With regard to claim 13, it is unclear what is –a selected network—in line 19.

With regard to claim 20, it is unclear what is –a first communication network—in line 20.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 13-17,20,23-27 and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuhiro (Pub No. US2001/0003522 A1) in view of Kelly (U.S. Pat No. 5,999,965).

With regard to claim 13, Masuhiro discloses an agent telephone system comprising:

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a microprocessor (**CPU 205, para. [0025]**);

memory (**memory 206, para. [0025]**) operatively coupled to the microprocessor (**memory connecting to CPU in Fig 2**);

an agent microphone and agent speaker (**the handset of a telephone is a combination of microphone and speaker**) for transmission and reception of audio information (**telephone terminals 30 and 31 in Fig. 1**), respectively;

a conversion device (**telephone terminal**) configured to operatively couple the agent microphone and the agent speaker to the microprocessor (**30(31) telephone terminal connecting to CPU in Fig. 2**);

an input multiplexer (**TDSW 201, para. [0025]**) operatively coupled to the microprocessor (**TDSW connecting to CPU in Fig. 2**), the microprocessor (**CPU**) configured to control selection of one of a plurality of input lines of the multiplexer (**TDSW establishes calls with IP network or ISDN, para. [0026]**);

a plurality of network interfaces (**IP-TRK 202 and ISDN I/F 203, para. [0026]**; **see also Fig. 2**) configured to operatively couple a selected one of the plurality of networks (**IP network and ISDN respectively**) to a corresponding input line of the multiplexer (**TDSW establishes calls with IP network or ISDN, para. [0026]**) so as to permit communication between a caller (**e.g. telephone terminal 30**) and the agent of the agent telephone system (**e.g. telephone terminal 31**) over a selected network (**IP network; see also para. [0034]**); and

wherein after detection of a failure of a first communication network (**congested state in IP network, para. [0041]**) through which the incoming telephone call is coupled to the agent telephone system, said failure causing disconnection of the incoming

telephone call (**congestion**), the microprocessor (**CPU**) issues a control signal (**effects control over**) to the multiplexer (**TDSW**) (**CPU effects control over TDSW, para. [0039]; CPU ... to request a connection ... via ISDN, para. [0042]**) to route a reconnected incoming telephone call from a second communication network (**ISDN**) so as to reestablish communication between the caller and the agent (**call connection by returning ... by way of ISDN, para. [0043]**), the first (**IP network**) and second (**ISDN network**) communication networks utilizing different communication protocol (**IP uses different communication protocol than ISDN**).

However, Masuhiro fails to explicitly show a plurality of network interfaces disposed within the automatic call distributor an ACD.

Kelly discloses a plurality of network interfaces (**network interface**) disposed within the automatic call distributor an ACD (**ACD**) (**ACD server 300, col. 10, line 56 ... comprises ... network interface 310, col. 10, lines 65-66**).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a plurality of network interfaces disposed within the automatic call distributor an ACD in Masuhiro. The suggestion/motivation for doing so would have been to provide for automatic routing services for calls from both circuit-switched communication networks, such as PSTNs, and packeted-switched data networks such as the Internet. Kelly, col. 3, lines 40-44. Therefore, it would have been obvious to combine Kelly with Masuhiro for the benefit of a plurality of network interfaces disposed within the automatic call distributor an ACD, to obtain the invention as specified in claim

With regard to claims 14 and 15, Masuhiro further discloses BRI network and interface (**ISDN 11 in Fig. 1**).

With regard to claim 16, Masuhiro further discloses at least one of the communication networks is a packet-switched based network (**IP network, see Fig. 1**).

With regard to claim 17, Masuhiro further discloses at least one of the communication networks is a circuit-switched based network (**ISDN, see Fig. 1**).

With regard to claim 20, Masuhiro further discloses the first (**IP network**) and second (**ISDN**) communication networks utilizing different communication protocol.

With regard to claims 23-27 and 30, see analysis for claims 13-17,20 respectively.

13. **Claims 18 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuhiro and Kelly, and further in view of Arndt et al. (Pat No. 6,707,820).

With regard to claim 18, the combination of Masuhiro and Kelly discloses the agent telephone system according to claim 13. However, the combination fails to explicitly show a link status indication.

Arndt discloses a link status indication (**link status messages are transmitted between nodes to provide a mechanism to detect link failures in the network, col. 16, lines 36-38**).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a link status indication in the combination of Masuhiro and Kelly. The suggestion/motivation for doing so would have been to detect link failures in a network. Arndt, col. 16, line 38. Therefore, it would have been obvious to combine Arndt with Masuhiro and Kelly for the benefit of a link status indication to detect link failures in a network, to obtain the invention as specified in claim 18.

With regard to claim 28, see analysis for claim 18 respectively.

14. **Claims 19 and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuhiro and Kelly, and further in view of Border et al. (Pub. No. US2002/0133596).

With regard to claim 19, the combination of Masuhiro and Kelly discloses the agent telephone system according to claim 13. However, the combination fails to explicitly show a keep alive indication.

Border discloses a keep-alive indication (**keep alive timeout to detect failures, para. [0052]**).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a keep-alive indication in the combination of Masuhiro and

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Kelly. The suggestion/motivation for doing so would have been to detect failures.

Border, para. [0052]. Therefore, it would have been obvious to combine Border with Masuhiro and Kelly for the benefit of a keep-alive indication to detect failures, to obtain the invention as specified in claim 19.

With regard to claim 29, see analysis for claim 19 respectively.

15. **Claims 21,31,32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuhiro and Kelly, and further in view of Pogossiants et al. (Pub No. US2006/0034262 A1).

With regard to claim 21, the combination of Masuhiro and Kelly discloses the agent telephone system of claim 13. However, the combination fails to explicitly show a computer having sound card therein, operatively coupled between the transaction processing system and an agent telephone, the sound card configured to digitize voice communication.

Pogossiants discloses (**para. [0091]**) a computer (**agent computer 602**) having sound card (**sound card installed within computer 602**) therein, the computer operatively coupled between the transaction processing system (**communication center 605**) and an agent telephone (**telephone 603**), the sound card configured to digitize voice communication (**allows telephone to be used ... as ... an IP telephone**).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a computer having sound card to digitize voice communication,

in the combination of Masuhiro and Kelly. The suggestion/motivation for doing so would have been to enable telephone to be used as an IP telephone. Pogossiants, para. [0091]. Therefore, it would have been obvious to combine Pogossiants with Masuhiro and Kelly for the benefit of a computer having a sound card to digitize voice communication, to obtain the invention as specified in claim 21.

With regard to claim 31, the combination of Masuhiro and Kelly discloses the method according to claim 23. However, the combination fails to explicitly show a display operatively coupled to the microprocessor.

Pogossiants discloses a computer (**agent computer 602, para. [0091]**) (it is **Examiner's position that a computer has a display coupled to a microprocessor**).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a display operatively coupled to the microprocessor in the combination of Masuhiro and Kelly. The suggestion/motivation for doing so would have been to provide for a computer. Pogossiants, para. [0091]. Therefore, it would have been obvious to combine Pogossiants with Masuhiro and Kelly for the benefit of a display operatively coupled to the microprocessor, to obtain the invention as specified in claim 31.

With regard to claim 32, see analysis for claim 21.

16. **Claims 22 and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuhiro and Kelly, and further in view of Myer et al. (Pub No. US2002/0181670).

With regard to claim 22, the combination of Masuhiro and Kelly discloses the agent telephone system according to claim 13. However, the combination fails to explicitly show a computer having a USB circuit therein, the computer operatively coupled between the transaction processing system and an agent telephone, the USB circuit configured to facilitate transmission and reception of serial dial.

Myer discloses (**para. [0159]**) a computer (**computer terminal 406**) having a USB circuit (**USB connection 404**) therein, the computer operatively coupled between the transaction processing system (**H.323 gatekeeper 408**) and an agent telephone (**telephone handset 402**) the USB circuit configured to facilitate transmission and reception of serial dial (**Telephone handset 402 is connected to computer terminal via USB connection. A call is placed from telephone handset to telephone handset via H.323 gatekeeper...**).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a computer having a USB circuit in the combination of Masuhiro and Kelly. The suggestion/motivation for doing so would have been to provide for transmission and reception of serial dial. Myer, para. [0159]. Therefore, it would have been obvious to combine Myer with Masuhiro and Kelly for the benefit of a computer having a USB circuit, to obtain the invention as specified in claim 22.

With regard to claim 33, see analysis for claim 22.

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Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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